

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
: Chapter 11
In re: :
: Case No. 21-22108 (RDD)
96 WYTHE ACQUISITION LLC, :
: Debtor. :
-----X

**APPLICATION FOR ORDER APPROVING
THE APPOINTMENT OF CHAPTER 11 TRUSTEE**

**TO: THE HONORABLE ROBERT D. DRAIN,
UNITED STATES BANKRUPTCY JUDGE:**

William K. Harrington, the United States Trustee for Region 2 (the “United States Trustee”) hereby applies to this Court pursuant to Fed. R. Bankr. P. 2007.1 for an Order approving the appointment of a Chapter 11 Trustee and in support thereof, states the following:

1. On February 23, 2021, the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code. ECF No. 1.
2. On March 28, 2022, and April 29, 2022, Benefit Street Partners Realty Operating partnership, L.P. (“BSP”) filed the Application for Appointment of Chapter 11 Trustee, along with a supplement. ECF Nos. 476, 477, 533. On March 31, 2022, the United States Trustee filed the Motion to Appoint Trustee. ECF No. 491 (collectively, the “Trustee Motions”).
3. The Court held an evidentiary hearing on the Trustee Motions on May 17 and 25, 2022 and post-hearing oral argument on May 26, 2022.
4. The Court granted the Trustee Motions at the conclusion of the hearing on May 26, 2022 and entered an order on May 27, 2022 (the “Trustee Order”). ECF No. 591.
5. The United States Trustee received recommendations from Debtor counsel, BSP, the New York City Law Department, and candidates themselves.

6. Pursuant to the Trustee Order and after a careful review of the candidates' qualification and experience, the United States Trustee selected Stephen S. Gray as the Chapter 11 Trustee in this case.

7. To the best of the United States Trustee's knowledge, Mr. Gray's experience, as well his connections with the Debtor, creditors, any other parties-in-interest, their respective attorneys and accountants, the United States Trustee, and persons employed by the office of the United States Trustee, are set forth in the Declaration attached as Exhibit A.

WHEREFORE, the United States Trustee requests that the Court enter an Order Approving the Appointment of Stephen S. Gray, as Chapter 11 trustee, and for such other and further relief as may seem just and proper in the above-described matter.

Dated: New York, New York
May 30, 2022

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE
Region 2

By: /s/ Greg M. Zipes
Greg M. Zipes
Trial Attorney
201 Varick St. Rooms 1006
New York, New York 10014
Tel. No. (212) 510-0500